

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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Shondreka Shippy, #17927-171,

Petitioner,

v.

Warden, Cherokee County
Detention Center,

Respondent.

Civil Action No. 0:13-474-SB

ORDER

This matter is before the Court upon Shondreka Shippy's pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, which was filed on February 21, 2013. Pursuant to Local Rule 73.02(B)(2)(a), the matter was referred to a United States Magistrate Judge for preliminary review.


On August 14, 2013, the Magistrate Judge issued a report and recommendation ("R&R"), analyzing the issues and recommending that the Court dismiss this case based on the Petitioner's failure to show that a motion pursuant to 28 U.S.C. § 2255 is inadequate or ineffective to test the legality of her detention. See 28 U.S.C. § 2255; Swain v. Pressley, 430 U.S. 372, 381 (1977). Attached the R&R was a notice advising the Petitioner of her right to file written, specific objections to the R&R within fourteen days of receiving a copy. On September 5, 2013, the Court received a change of address notice from the Plaintiff, and in the interest of fairness, the Court re-mailed the R&R to her new address, giving her an additional fourteen-day period to file objections. This period expired on September 26, 2013, and no objections have been filed to date.

The Magistrate Judge makes only a recommendation to the Court. The


recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the R&R to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.' ") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court **adopts the R&R** (Entry 15) as the Order of the Court and dismisses this case.

AND IT IS SO ORDERED.



Sol Blatt, Jr.
Senior United States District Judge



October 2, 2013
Charleston, South Carolina